



**COUNCILMEMBER DONNA FRYE**  
City of San Diego  
Sixth District

**MEMORANDUM**

08-12

**DATE:** March 10, 2008  
**TO:** Elizabeth Maland, City Clerk  
**FROM:** Councilmember Donna Frye

**SUBJECT:** SB 343: Public Access to Government Documents

The Brown Act requires that the City Council make copies of agendas, reports and other materials available to the general public at the same time these materials are provided to the Council. SB 343, passed in October 2007, strengthens this rule and specifically applies to materials (late reports, items from the public, etc.) that are circulated to the Council after the initial docket distribution. It requires that if a non-confidential writing related to an agenda item is distributed less than 72 hours prior to the meeting at which it is to be discussed, the writing must be made available for inspection without delay, and no later than when the material is distributed to the Councilmembers. Such materials should be made available at a public office or location the City designates for this purpose. The city must also list the address where supplemental materials can be reviewed on agendas for all meetings of the legislative body. SB 343 goes into effect on July 1, 2008.

I am confident that our process for distributing such documents will be updated accordingly. I have attached a copy of SB 343 for your convenience.

CC: Council President Scott Peters

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BILL NUMBER: SB 343      CHAPTERED  
BILL TEXT

## CHAPTER 298

FILED WITH SECRETARY OF STATE OCTOBER 5, 2007

APPROVED BY GOVERNOR OCTOBER 5, 2007

PASSED THE SENATE AUGUST 30, 2007

PASSED THE ASSEMBLY AUGUST 27, 2007

AMENDED IN ASSEMBLY JUNE 21, 2007

AMENDED IN SENATE MAY 25, 2007

AMENDED IN SENATE APRIL 9, 2007

AMENDED IN SENATE MARCH 27, 2007

INTRODUCED BY Senator Negrete McLeod  
(Coauthor: Assembly Member Jones)

FEBRUARY 20, 2007

An act to amend Section 54957.5 of the Government Code, relating to local agencies.

## LEGISLATIVE COUNSEL'S DIGEST

SB 343, Negrete McLeod. Local agencies: open meetings: documents.

The Ralph M. Brown Act requires that any meeting of a legislative body of a local agency be open and public and all persons be permitted to attend. The act requires the body to post an agenda at least 72 hours before a regular meeting and provides that agendas and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at a meeting of the body are public records subject to the public disclosure requirements of the California Public Records Act.

This bill would provide that if a writing that is a public record under these provisions, and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection at a public office or location that the agency shall designate for this purpose. It would require each local agency to list the address of this office or location on the agendas for all meetings of the legislative body of that agency. It also would authorize a local agency to post a writing that is a public record under these provisions on the agency's Internet Web site. It would make these provisions effective on July 1, 2008.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 54957.5 of the Government Code is amended to read:

54957.5. (a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7

of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's Internet Web site in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) Nothing in this chapter shall be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). Nothing in this chapter shall be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.